


# FLORIDA HIGHWAY PATROL

## POLICY MANUAL

	SUBJECT MEDIA RELATIONS	POLICY NUMBER 15.01
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### 15.01.01 PURPOSE

It is the purpose of this policy to establish guidelines for release and dissemination of public information to print and broadcast news media.

### 15.01.02 POLICY

It is the policy of the Florida Highway Patrol to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the Division, as long as these activities do not unduly interfere with Division operations, infringe upon individual rights, or violate the law.

### 15.01.03 DEFINITIONS

- A. **NEWS MEDIA REPRESENTATIVE** - Those individuals who are directly employed by agencies of the electronic or print media such as radio, television, and newspapers. Freelance workers in this field are to be regarded as other members of the general public unless they possess valid credentials identifying them as media representatives.
- B. **PUBLIC INFORMATION** - Information that may be of interest to the general public regarding policy, procedures or events involving the Division; or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the Division, infringe upon the rights of a defendant or compromise the legitimate safety and privacy interests of members, victims, witnesses or others.
- C. **PUBLIC AFFAIRS OFFICER (PAO)** - The department's PAOs serve as a central source of information for release by the Division and respond to requests for information from the news media and the community.
- D. **PUBLIC RECORDS** - All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

#### **15.01.04 OBJECTIVES**

To recognize and understand the needs and requirements of the media, and to help the media understand the methods, policies, and constraints governing law enforcement. Through this mutual understanding and cooperation, the best possible image of the Florida Highway Patrol can be conveyed to the public and the media can affect their mission to educate and inform.

#### **15.01.05 RESPONSIBILITIES**

Public Affairs Officers are responsible for:

- A. Assisting news personnel in covering news stories considered routine as well as those at the scenes of major incidents.
- B. Assisting the news media on an on-call basis.
- C. Preparing and distributing news releases.
- D. Arranging for, and assisting at news conferences.
- E. Coordinating and authorizing the release of information about victims, witnesses and suspects.
- F. Assisting during crisis situations within the agency.
- G. Coordinating with the Chief PAO the release of authorized information concerning confidential agency investigations and operations.
- H. Reviewing press releases prepared in their troop prior to dissemination to the media. If not available, an on-duty supervisor or shift commander may approve the dissemination of a press release.
- I. Providing Division communications centers, and other persons that may be tasked with dissemination of press releases, with up-to-date listing (including fax number or e-mail address) of media outlets in their area of operation.

#### **15.01.06 PROCEDURES**

- A. COOPERATION WITH THE MEDIA
  - 1. Authorized news media representatives shall have reasonable access to the PAO, the Division Director or his designee and operations of the Division as governed by this policy. When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.
  - 2. The Division recognizes authorized identification from all local, national and international news organizations. Failure of media personnel to present authorized identification may provide grounds for restricting access to requested information or to incident scenes.

3. Public information shall be released to the media as promptly as circumstances allow, in an objective and impartial manner.
4. Public information may be provided to media representatives by phone if the identity of the representative is known.
5. The on-scene supervisor is responsible for notifying the Troop PAO, Shift Commander, and State Attorney (if required) of newsworthy events or incidents. If no supervisor is on-scene the lead investigator is responsible for notifying the shift commander who will then make the appropriate notifications.

<p style="text-align: center;"><b>A GUIDELINE REGARDING THE TYPES OF INFORMATION THAT MAY BE RELEASED IS CONTAINED IN SECTIONS F THROUGH I BELOW.</b></p>
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- B. The Troop PAO or on-scene supervisor is responsible for the release of information at the scene of a traffic crash or other incident. The lead crash investigator may release basic crash information at the scene. The Troop Shift-Commander will ensure the accuracy and appropriateness of each release prior to its dissemination.

C. WRITTEN PRESS RELEASES

1. Preparation
  - a. Generally, the lead investigator will prepare written press releases.
    - (1) For fatal and potentially fatal traffic crashes, the crash investigator will prepare the press release.
    - (2) For large scale operations, such as civil disturbances or TRT operations, the press release will be prepared by the Troop Public Affairs Officer (PAO) or the lead supervisor.
    - (3). Written press statements of local interest other than information included above shall be released only following approval of the Troop Commander or his designee.
    - (4) For traffic enforcement or education programs, the Troop PAO (for local initiatives) or the Chief PAO (for statewide initiatives) will prepare the press release.
  - b. Press releases are to contain only the facts known at the time that the release is prepared. Press releases are not to contain conjecture or speculation. If the cause of a crash or other information is not available at the time a written press release is prepared, a notation that the "investigation is continuing" is to be placed in the narrative portion of the form.

- c. Press releases are not to contain any information that is considered to be exempt from public records.
  - d. Press releases will be updated any time significant new information is developed.
    - (1) For fatal and potentially fatal traffic crashes, the THl supervisor will ensure that appropriate press release updates are issued.
    - (2) Copies of press release updates will be forwarded to the Troop PAO.
- 2. Review of Press Releases
  - a. All written press releases will be reviewed by the Troop - Shift Commander prior to dissemination to the media. A copy of the press release will be forwarded to the Troop PAO.
  - b. Written press releases regarding fatal or potentially fatal traffic crashes will also be reviewed by the lead traffic homicide investigator assigned to the case prior to dissemination to the media.
  - c. Written press releases regarding large-scale operations and traffic enforcement and education programs will be reviewed by the Chief PAO prior to dissemination to the media.
- 3. Written press releases will be disseminated to print, radio, and television media outlets promptly after required reviews and approvals have been completed.
- D. If another agency requests that information **not** be disseminated, the request will be immediately forwarded through the chain of command to the Troop Commander and Chief PAO. The Troop Commander and Chief PAO will determine whether to release the information.
- E. For multi-agency incidents or investigations, the lead agency will be responsible for all media releases or inquiries unless prior arrangements have been made.
- F. INVESTIGATIVE INFORMATION
 

From the initial stage of a criminal investigation until the completion of trial or disposition without trial, Division personnel shall refer all requests for information to the PAO.

  - 1. Information that may be released in connection with the investigation of a traffic crash, unusual incident, or crime includes:

- a. The type or nature of the traffic crash, unusual incident, or crime.
  - b. The location, date and time, injuries sustained, damages and a general description of how the traffic crash, unusual incident, or crime occurred.
  - c. Requests for aid in locating evidence, a complainant or a suspect.
  - d. Numbers of members or people involved in an event or investigation, and the length of the investigation.
  - e. Name of the member in charge of the investigation.
  - f. The identity of any critically injured or deceased person after the next of kin has been notified.
  - g. Members shall not release any information that would serve to weaken or in any way hinder an investigation, either one conducted by Division personnel or an investigation conducted by another law enforcement agency.
  - h. Photographs that are part of an ongoing investigation shall not be released without prior authorization of the Director.
2. Information that may not be released in connection with the investigation of a traffic crash, unusual incident, or crime, unless authorized by the Troop Commander or his designee includes:
- a. The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger.
  - b. The identity of a person who is the victim of any sexual offense identified in Chapters 794 and 800, Florida Statutes, or is the victim of child abuse as defined in Chapter 827, Florida Statutes.
  - c. The identity of victims or witnesses if such disclosure would prejudice an investigation, or if it would place the victim in personal danger.
  - d. The name, photograph, and address of any juvenile who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court.

EXCEPTION: Any juvenile who has been taken into custody by a member for a violation which, if committed by an adult, would be a felony.

- e. The identity of any critically injured or deceased person, prior to notification of next of kin.
- f. The results of any investigative procedure such as lineups, polygraph examinations, fingerprint comparisons, ballistic tests or other similar procedures. The fact that these tests have been performed may be revealed without further comment.
- g. Active criminal investigation information as defined in Section 119.011(3)(b), Florida Statutes, except those items specifically mentioned in Section 119.011(3)(c), Florida Statutes.
- h. Specific cause of death, unless officially determined by a medical examiner.

#### G. ARREST INFORMATION

- 1. Following arrest, issuance of an arrest warrant or filing of an information or indictment, it is permissible to release:
  - a. The accused's name, age, residence, occupation and family status.
  - b. The time and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, the charges placed against the suspect, and a description of contraband or other evidence that was seized.
  - c. The identity of the arresting officers and the duration of the investigation, unless the officers are engaged in undercover operations.
  - d. The amount of bond, scheduled court dates, and place of the suspect's detention.
- 2. Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information should not be released without the express permission of the Troop Commander or the Chief of Investigations or the Director of the Office of Professional Compliance.
  - a. Prior criminal conviction record, character or reputation of a defendant.
  - b. Existence or contents of any confession, admission or statement of a defendant, or his failure or unwillingness to make a statement.
  - c. Performance or results of any tests, or a defendant's refusal or failure to submit to tests such as a polygraph.

- d. The identity, statement, or expected testimony of any witness or victim.
- e. Any opinion about the guilt or innocence of a defendant or the case.
- f. Any opinion regarding the potential for a plea bargain or other pretrial action.

H. SPECIAL CONSIDERATION - CRIMINAL MATTERS

- 1. Division personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include allowing closer access of media personnel and equipment than is available to the general public, but only to the degree that it does not interfere with the mission of the Division or the movement of traffic, or jeopardize their safety.
- 2. The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed or otherwise prejudiced by its existence being published or portrayed. Once evidence has been processed, removed and secured by the Division, the media may be allowed to enter by permission of the supervisor at the scene.
  - a. On private property, photography, film or videotape recording requires the permission of the owner or the owner's representative. If there is no owner or representative available, media access will be denied. However, this does not prevent the media from photographing, filming or videotape recording private property, provided the photographer remains on public property.
  - b. Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts or interviews, nor shall Division personnel pose with suspects or accused persons in custody.
  - c. When an individual is charged with a criminal offense and is sought by law enforcement authorities, photographs or mug shots may be released to the media to help locate the individual. No Division photographs, mug shots, videotape, film or composites of subjects in custody shall otherwise be released to the media, unless authorized by the Troop Commander or authorized designee.

I. SPECIAL CONSIDERATIONS - NONCRIMINAL MATTERS

1. At the scene of significant traffic crashes, man-made or natural catastrophes, the principles of media cooperation shall be maintained to the degree that they do not interfere with the mission of the Division, fire, medical or other emergency relief workers.
2. News media representatives should not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the media representative should be advised of the danger and allowed to make the decision to enter on his/her own volition.
3. A complaint filed against a sworn member and all information obtained pursuant to an investigation of such complaint is confidential until the investigation ceases to be active, or the Director provides written notification to the member that the investigation has been concluded and the Division will or will not proceed with disciplinary action or file charges [Section 112.533(2)(a), Florida Statutes].
4. When multiple agencies are involved in the investigation at the scene of a traffic crash, major fire, natural disaster, or other catastrophic event or crime scene, the agency having primary jurisdiction should be responsible for releasing, or coordinating the release of media information.
5. The home address, social security number, photograph and telephone number of any active or former member of the Division; the home address, social security numbers, photographs, telephone numbers, and places of employment of any such member's spouse or children; and the names and location of any schools and day care facilities attended by children of such members are not public record and will not be released to members of the media.
6. A photograph of a member may be released to the media only after permission is obtained from the member.

J. CHANGES IN MEDIA POLICIES AND PROCEDURES

When developing changes in policies and procedures relating to the public information function, every effort should be made to contact statewide or local media representatives, where appropriate, to seek their participation and input regarding the changes. Media participation in such changes can lead to a more effective working relationship with members of the media on a statewide and local basis.